

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA**

NAUTILUS INSURANCE COMPANY,

Plaintiff,

v.

RICHARD ALEXANDER MURDAUGH,  
Sr., CORY FLEMING, MOSS & KUHN, P.A.,  
CHAD WESTENDORF, and PALMETTO  
STATE BANK,

Defendants.

Case No. 2:22-cv-1307-RMG

**PLAINTIFF’S MOTION TO  
ALTER/AMEND ORDERS  
FOR CERTIFICATION PURSUANT  
TO 28 U.S.C. § 1292(b)**

Nautilus Insurance Company (“Nautilus”) moves this Court to amend its prior Orders of June 18, 2024 and August 21, 2024 [ECF Nos. 218, 229] (“the Orders”) to certify them for immediate appeal pursuant to 28 U.S.C. § 1292(b), as follows.<sup>1</sup>

Orders that resolve fewer than all claims in an action or claims against fewer than all parties are not immediately appealable. 28 U.S.C. § 1291. Nevertheless, if the Court is of the opinion that such an order (i) involves a controlling question of law, (ii) that there is substantial ground for disagreement, and (iii) that an immediate appeal may materially advance the ultimate termination of the litigation, the Court may so state and certify the order for an immediate appeal. 28 U.S.C. § 1292(b).

The Orders, *inter alia*, end all claims as to Defendants Palmetto State Bank and Mr. Westendorf, terminate certain claims against Defendants Cory Fleming and Moss & Kuhn, and deny Plaintiff’s motion for partial summary judgment on the basis that the Court lacks jurisdiction pursuant to the *Rooker-Feldman* doctrine. Nautilus respectfully requests this Court find that the Orders satisfy the criteria of 28 U.S.C. § 1292(b), amend the Orders to so state, and certify the

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<sup>1</sup> In response to Nautilus’ consultation of all counsel pursuant to Local Rule 7.02, counsel for Mr. Fleming and for Moss & Kuhn indicated that they do not oppose the relief requested in this Motion. Counsel for Palmetto State Bank and Mr. Westendorf indicated they do.

Orders for immediate appeal.

**Respectfully submitted:**

**EPTING & RANNIK, LLC**

This 27<sup>th</sup> day of September, 2024  
Charleston, South Carolina

/s/ Jaan Rannik

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